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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,179	12/20/2006	Simon Wilson	894A.0016.U1(US)	2125
29683 7590 05/29/2009 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER SHEN, QUN	
			ART UNIT 4153	PAPER NUMBER
			MAIL DATE 05/29/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,179	<b>Applicant(s)</b> WILSON, SIMON	
	<b>Examiner</b> QUN SHEN	<b>Art Unit</b> 4153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/17/2009, 6/29/2006</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

Applicant's foreign priority claim for the benefits of 0330100.9 filed on December 29, 2003 on the basis of 371 PCT /EP2004/014745 filed on December 23, 2004, is acknowledged.

### ***Specification***

The disclosure is objected to because of the following minor informalities:  
On page 5, Figure 1 is mentioned but not included in the drawing.  
Appropriate correction is required.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 1.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-6, 8-11, 13, 15, 21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,330,430 B1, Jensfelt (hereinafter Jensfelt).**

Referring claim 1, Jensfelt discloses an electronic device cover formed from a sheet of material dimensioned to at least partially cover an electronic device (column 2, lines 24-33), wherein the sheet is configured to have a substantially flat configuration (Fig. 4), and a folded configuration and be bendable into the folded configuration to cover the electronic device (Figs 1-3, column 2, lines 24-33).

Referring claims 2-5, Jensfelt discloses a cover according to claim 1, wherein the cover is user bendable onto an electronic device (Figs 1-3), user replaceable onto an electronic device (Figs 1-3), in the folded configuration (Figs 1-3), and in the flat configuration (Figs 1-3, column 1, lines 49-50),

Referring claims 6 and 8, Jensfelt discloses a cover according to claim 1,

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wherein the sheet of material is formed from a plastic, comprises metal and/or plastic (column 3, line 51, plastic), and bendable back on itself (Figs 1-3).

Referring claims 10-11, 13, and 15 Jensfelt discloses a cover according to claim 1, wherein the sheet of material is dimensioned to bridge one or more lateral edges of an electronic device, to cover a front and/or rear surface of the electronic device (Figs 1-3), and the sheet of material comprises a holding arrangement to facilitate the holding of the cover on the device in the folded configuration, and is arrangeable to be folded in half (at least see Fig 1-4, column 2, lines 18-42).

Referring claim 21, Jensfelt discloses a cover according to claim 1, dimensioned and configured to cover a mobile phone (Fig 1, column 1, line 38-39).

Referring claim 23, Jensfelt discloses an electronic device (a mobile terminal, column 1, line 39) arranged to receive an electronic device cover formed from a sheet of material dimensioned to at least partially cover the electronic device, wherein the sheet is configured to have a substantially flat configuration and a folded configuration and be bendable into the folded configuration to cover the electronic device (Figs 1-3, column 2, lines 24-33).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

Determining the scope and contents of the prior art;  
Ascertaining the differences between the prior art and the claims in issue;  
Resolving the level of ordinary skill in the pertinent art; and  
Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

**Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jensfelt.**

Referring claim 20, as applied to claim 1, Jensfelt is silent on wherein a cover having a reeled configuration for facilitating transport, storage, and/or packaging of the cover. However, Jensfelt does suggest using the cover for storage while not using to enclose a mobile terminal (column 4, lines 28-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to consider Jensfelt's suggestion and have a reeled configure for facilitating transport, storage, and/or packaging of the cover for the benefit of additional features.

**Claims 14, 16-19, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensfelt, as applied to claim 1 above, and further in view of US 2003/0036362 A1, Buessler et al. (hereinafter Buessler).**

Referring claims 14, 16, and 22, Jensfelt discloses the sheet of materials for the cover of a mobile terminal but fails to disclose a cover according to claim 1, wherein the sheet of material is printed on the inner folded surface of the cover and to provide user readable indicia, and a method distributing a printed publication with a cover. Buessler,

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however, in the same field of endeavor, teaches the sheet of material is printed on the inner folded surface of the cover and to provide user readable indicia, and a method of distributing a printed publication with a cover (through interchangeable cover) for advertisement purpose (Figs 13A-13B, paragraphs [0007], [0041]). Considering both Jensfelt and Buesseler's teachings as a whole, it would have been obvious to one of the ordinary skill in the art at the time of invention to incorporate Buesseler's teachings in Jensfelt's disclosure to perform the claimed invention recited in claims 14,16, and 22 for the benefit of advertisement and information display.

Referring claims 17-19, Jensfelt discloses the sheet of materials for the cover of a mobile terminal but fails to disclose that wherein the sheet of material comprises one or more actuators to engage with a covered user interface of an electronic device and the features of actuators recited in claims 17 and 19. Buesseler, however, in the same field of endeavor, further teaches the sheet of material comprises one or more actuators to engage with a covered user interface of an electronic device, and the said actuators have sufficient flexibility to allow movement of the actuators in/out of the plane of the sheet, and the said actuators are raised domes (Fig 7A, paragraphs [0006], [0029]). Considering both Jensfelt and Buesseler's teachings as a whole, it would have been obvious to one of the ordinary skill in the art at the time of invention to incorporate Buesseler's teachings and modify Jensfelt's invention to perform the claimed invention recited in claims 17-19, for the benefit of more convenient user interface design with the cover.

**Claims 7, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensfelt, as applied to claim 1 above, and further in view of JP 2000/299722 A, Nagashima, (hereinafter Nagashima).**

Referring claim 7, as applied to claim 1, Jensfelt discloses a cover but is silent about the sheet of material being formed from a metal. Nagashima, however, teaches the cover may use the sheet of material formed from a metal (paragraph [0033], aluminum). Considering teachings from both Jensfelt and Nagashima, it would have been obvious to one of the skill in the art at the time of invention to benefit from using metal as an alternative sheet of material as recited in the claimed invention.

Referring claim 12 (applied to claim 1), Jensfelt discloses a cover wherein the sheet of material can be folded flexibly but does not explicitly indicating that the sheet of material comprises a folding line to assist the folding of the sheet into the folded configuration. Nagashima, however, teaches the cover may use the sheet of material comprising a folding line to assist the folding of the sheet into the folded configuration (Figs 4-5). Considering teachings from both Jensfelt and Nagashima, it would have been obvious to one of the skill in the art at the time of invention to incorporate Nagashima's teaching in Jensfelt's invention to benefit from more convenient folding recited in the claimed invention.



### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- WO 2004/066640 A2, Engstrom et al. Discloses a mobile communication device including an interchangeable covering addition for display and key reorientation.
- US 7,299,077 B2, Pan discloses a structure of exchangeable décor panel for portable cellular phone having a continuing groove located on a proper position of flip cover and base portion.
- EP 1301011 A2, Pirila et al discloses an electronic device such as a mobile phone having user changeable composite covers formed by two-shot process.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUN SHEN whose telephone number is (571)270-7927. The examiner can normally be reached on Monday through Thursday, 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on 571-272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/QUN SHEN/  
Examiner, Art Unit 4153

/Vu Le/  
Supervisory Patent Examiner, Art Unit 4153